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Belarus: State protection available to women who are victims of domestic violence and to those who are victims of societal violence (2002 - 2005)

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Background

Violence against women remains a serious problem in Belarus (*Country Reports 2004* 28 Feb. 2005, Sec. 5; UN 23 Jan. 2004; UN 27 Feb. 2003, 344). According to research of 2004 and 2005 on the topic, approximately thirty per cent of women reported being victims of domestic violence (*Country Reports 2004* 28 Feb. 2005, Sec. 5; UN 23 Jan. 2004), while over twenty per cent indicated that they had been sexually abused at least once (*Country Reports 2004* 28 Feb. 2005, Sec. 5). Twelve per cent of women said they had experienced sexual harassment in the workplace (UN 23 Jan. 2004).

Trafficking in women has also been identified as a serious problem in Belarus (*Country Reports 2004* 28 Feb. 2005, Sec. 5; Stop VAW 28 Oct. 2004; UN 27 Feb. 2003, 344), with traffickers often using "physical and emotional abuse to control victims" while in transit and in destination countries (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

A 2003 United Nations report stated that the "low social and economic status" of women in the country, as well as "cultural and traditional stereotypes," allows violence against women to continue (UN 27 Feb. 2003, 344). Many women are reluctant to report incidents of domestic or societal violence for "fear of reprisal and... social stigma" (ibid.). Women who are victims of "rape, ... sexual harassment, forced prostitution and trafficking" are also reluctant to make reports due to shame and a "lack of trust in law enforcement officials and the judiciary and of experience[d] or specialised services to provide for the necessary support" (ibid.). There is also the perception that Belarusian authorities provide inadequate protection to victims and witnesses of violence, and sometimes treat victims as criminals themselves (ibid.; *Country Reports 2004* 28 Feb. 2005, Sec. 5). According to the U.S. State Department *Country Reports on Human Rights Practices 2004*, trafficking of women has also allegedly been facilitated by corrupt officials who accept bribes and who do not enforce laws on trafficking (ibid.).

Legislation

Although there are no specific laws on domestic violence in Belarus (Stop VAW 28 Oct. 2004), domestic abuse is punishable under the Criminal and Administrative Codes of the country (ibid.; UN 27 Feb. 2003, 343). Under these codes, abusers can be fined or jailed for up to fifteen days for non-severe beatings, or up to fifteen years for more serious abuses (Stop VAW 28 Oct. 2004).

In general, Belarusian police enforce these laws, and appropriate sentences are usually handed out (*Country Reports 2004* 28 Feb. 2005, Sec. 5; UN 27 Feb. 2003, 343). A special system to monitor "troublemakers" has also been developed by the country's Ministry of Internal Affairs (UN Jan. 23 2004). Abusers who have official warnings lodged against them could be made to take training or could be "deprived of their parental rights" (ibid.).

According to a 2004 United Nations Development Fund for Women (UNIFEM) report, a draft law on the prevention and elimination of domestic violence is being developed in Belarus (UN 15 July 2004). No further information on this draft law could be found among the sources consulted by the Research Directorate.

Under Article 115 of the Belarusian Criminal Code, rape is defined as "sexual intercourse with the use of physical violence, threat or the use of a helpless state of the sufferer" and is punishable with a jail sentence of three to seven years (Belarus 1 May 1994). A rape committed by a person who has previously committed a similar crime can be punished with a sentence of five to ten years, while a rape "committed by a dangerous recidivist or entailing special grave consequences" is punishable with a jail term of eight to fifteen years, or a death penalty (ibid.). A rape of a person under the legal age of consent is punishable with a jail term of five to fifteen years (ibid.). The legal age of consent in Belarus is eighteen years according to Interpol (Interpol 4 Nov. 2005) and sixteen years according to the Belarusian Criminal Code (Belarus 1 May 1994). According to the International Lesbian and Gay Association (ILGA), the legal age of consent in Belarus is fourteen for heterosexual and lesbian sexual activity and eighteen for same-sex male sexual activity (ILGA 31 July 2000).

There is no specific law against spousal rape in Belarus; spousal rape is not viewed as a crime in Belarusian society (*Country Reports 2004* 28 Feb. 2005, Sec. 5)

Article 116 of the Belarusian Criminal Code punishes an individual, upon whom a woman is professionally or financially dependent, who forces her to engage in sexual intercourse or sexual activity (Belarus 1 May 1994). This crime is punishable with a jail term of up to three years. According to a 2003 UN report, sexual harassment in Belarus is common; however, "no specific laws deal with the problem other than laws against physical assault" (UN 27 Feb. 2003, 343).

In 2001, a new Belarusian law on trafficking in persons came into effect (Stop VAW 28 Oct. 2004; UN 27 Feb. 2003, 343). Under this law, individuals who traffic persons for the "purpose of sexual or other kinds of exploitation" can face a jail term of five to seven years (*ibid.*; *Country Reports 2004* 28 Feb. 2005, Sec. 5). For severe forms of trafficking, a jail term of up to fifteen years can be handed out (*ibid.*). In March 2005, a Belarusian man was found guilty of running a sex-trade ring and of trafficking women, and was sentenced to fifteen years in prison (RFE/RL 4 March 2005).

Initiatives and Policies

Crisis centres for victims of domestic and societal violence have been established in Belarus and are run by non-governmental organizations (*Country Reports 2004* 28 Feb. 2005, Sec. 5). These organizations are located primarily in the city of Minsk (*ibid.*).

In 1996, the government of Belarus implemented a national action plan to improve the situation of women during 1996 to 2000 (UN 27 Feb. 2003, 343). In 2001, the government adopted a national plan for gender equality (2001 - 2005), which contained measures to address the issue of violence against women, "includ[ing] research, the establishment of crisis... centres, ... and public awareness campaigns" (AI 26 May 2004). The government has also been involved in joint initiatives with the United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF) and non-government organizations (NGOs) in order to address gender issues, including the issue of violence against women (UN 27 Feb. 2003, 343). Belarus is one of 179 countries that have ratified the Treaty for the Rights of Women (CEDAW Dec. 2004).

In 2001, the government of Belarus adopted a five-year program for 2002 to 2007, in partnership with the European Union and the United Nations Development Programme (UNDP), in order to combat the trafficking of women (UN 25 Nov. 2005; UN 27 Feb. 2003, 344). The results of the program to date include a review of national legislation to recommend ways in which the issue of trafficking in women could be better addressed, the creation of an electronic database of organizations in Belarus and in Europe that provide assistance to victims of trafficking, the creation of a hotline for persons travelling abroad, and the establishment of a rehabilitation centre in Minsk for victims of trafficking (UN 25 Nov. 2005).

In 2004, the UNDP, the International Organization for Migration (IOM), and La Strada (an organization working to prevent trafficking in women [AWID 22 Jan. 2005]), and the Young Women's Christian Association (YWCA) provided training to NGOs in regional towns, and ran national campaigns to promote awareness of the issue of trafficking of women in Belarus (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral source: The Women's Christian-Democratic Movement of Belarus did not provide information within the time constraints of this Response.

Internet sites, including: Human Rights Internet; International Helsinki Federation for Human Rights (IHF); Les Penelopes; Office on Violence Against Women (US Department of Justice); Population Reference Bureau; Rape, Abuse and Incest National Network (RAINN); United Nations (WomenWatch); Women's Human Rights Net; Women's International League for Peace and Freedom (PeaceWomen).

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